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# Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

## Report of the Secretary-General**

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* A/56/150.

** The deadline for receipt of submissions from States, intergovernmental and non-governmental organizations was 30 June 2001. However, most submissions were received at a much later date.

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## Abbreviations

| | |
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| ACFM | Advisory Committee on Fishery Management |
| ACP | African, Caribbean and Pacific States |
| CCAMLR | Commission for the Conservation of Antarctic Marine Living Resources |
| CCSBT | Commission for the Conservation of Southern Bluefin Tuna |
| COFI | Committee on Fisheries of FAO |
| CPPS | Permanent Commission for the South Pacific |
| EC | European Community |
| CITES | Convention on International Trade in Endangered Species of Wild Fauna and Flora |
| FAO | Food and Agriculture Organization of the United Nations |
| FFA | Forum Fisheries Agency |
| FIGIS | Fisheries Global Information System of FAO |
| FIRM | Marine Resources Service of FAO |
| FSI | Subcommittee on Flag State Implementation of IMO |
| GFCM | General Fisheries Commission for the Mediterranean |
| HSUS/HIS | Humane Society of the United States/Humane Society International |
| IATTC | Inter-American Tropical Tuna Commission |
| IBSFC | International Baltic Sea Fishery Commission |
| ICCAT | International Commission for the Conservation of Atlantic Tunas |
| ICES | International Council for the Exploration of the Sea |
| ILO | International Labour Organization |
| IMO | International Maritime Organization |
| IOTC | Indian Ocean Tuna Commission |
| IPHC | International Pacific Halibut Commission |
| IPOA | International Plan of Action (FAO) |
| IUU fishing | illegal, unreported and unregulated fishing |
| MARPOL 73/78 | International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto |
| MEPC | IMO Marine Environment Protection Committee |
| MSC | IMO Maritime Safety Committee |
| NAFO | Northwest Atlantic Fisheries Organization |

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| NASCO | North Atlantic Salmon Conservation Organization |
| NEAFC | North-East Atlantic Fisheries Commission |
| SEAFO | South Atlantic Fisheries Organization |
| SPC | Secretariat of the Pacific Community |
| VMS | vessel monitoring system |
| WCPTO Convention | Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean |
| WECAFC | Western Central Atlantic Fishery Commission |

# I. Introduction

1. In its resolution 54/32 of 24 November 1999, the General Assembly recognized, inter alia, that the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks ("the 1995 Fish Stocks Agreement") set forth the rights and obligations of States in authorizing the use of vessels flying their flags for fishing on the high seas, so that the activities of these vessels do not undermine the effectiveness of conservation and management measures adopted in accordance with international law at the national, subregional, regional and global levels, and emphasized the importance of its early entry into force and effective implementation.

2. The General Assembly also called upon States and other entities that had not yet done so to ratify or accede to the Agreement and to consider applying it provisionally. As at 14 September 2001, 29 States had deposited their instruments of ratification/accession of the 1995 Fish Stocks Agreement with the Secretary-General of the United Nations (see annex). Article 40 of the Agreement stipulates that it will enter into force 30 days after the deposit of the thirtieth instrument of ratification/accession.

3. In addition, the General Assembly called upon all States to ensure that their vessels comply with conservation and management measures adopted in accordance with the Fish Stocks Agreement by subregional and regional fisheries management organizations and arrangements. It also requested States not to permit vessels flying their flag to engage in fishing on the high seas without having effective control over their activities and to take specific measures to control their fishing operations.

4. Moreover, the General Assembly called upon the International Maritime Organization (IMO), in cooperation with the Food and Agriculture Organization of the United Nations (FAO), regional fisheries management organizations and arrangements and other relevant international organizations, and in consultations with States and entities, to define the concept of the genuine link between the fishing vessel and the State in order to assist in the implementation of the Agreement.

5. The General Assembly furthermore urged all States to participate in the efforts of FAO to develop an international plan of action to address illegal, unregulated and unreported (IUU) fishing (subsequently adopted by FAO at the twenty-fourth session of its Committee on Fisheries (COFI) in March 2001) and in all other efforts to coordinate the work of FAO with other international organizations. It also encouraged all States and entities concerned to work with flag States and FAO in developing and implementing measures to combat or curb such illegal, unregulated and unreported fishing.

6. The General Assembly also called upon States to provide assistance to developing States as outlined in the Agreement, and encouraged States and other entities to integrate in the management of straddling fish stocks and highly migratory fish stocks the requirements for the protection of the marine environment, notably those resulting from multilateral environment agreements.

7. The General Assembly then requested the Secretary-General to bring the resolution to the attention of all members of the international community, and invited them to provide the Secretary-General with information relevant to its implementation.

8. Accordingly, the Secretary-General sent a note verbale to all States drawing their attention to General Assembly resolution 54/32. Letters were also addressed to relevant intergovernmental organizations, organizations and bodies of the United Nations system, as well as regional and subregional fisheries organizations and arrangements and relevant non-governmental organizations. In response, the Secretary-General received a number of submissions and comments. He wishes to express his appreciation for all the contributions.

# II. Information provided by States

9. In its submission of 1 May 2001, **Oman** stated that, in order to conserve fish stocks, it had taken the decision to limit the expansion of commercial fisheries, through the requirement of licences for companies to harvest specified quantities of fish on annual basis, as the current extent of fish stocks permitted. Oman had also designated areas where commercial fishing was allowed and had taken measures to conserve fish stocks

and protect the marine environment and fish breeding grounds. Trans-shipment at sea had been prohibited in order to assist in the verification of the species and quantities of fish taken by each vessel on each fishing voyage.

10. Moreover, in order to ensure compliance with its fishing laws and regulations, Oman had paid great attention to the monitoring of activities of fishing vessels, through the placement of observers on board vessels and, more recently, through the use of satellite-based vessel monitoring systems. It had also sought to coordinate its conservation and management efforts with those of neighbouring countries in respect of resources found in common areas in order to eliminate illegal fishing, in accordance with General Assembly resolutions. Oman pointed out that the Marine Fisheries and Protection of Aquatic Living Resources Act and its implementing regulations now provided more severe penalties for illegal fishing, and this had also had a positive impact in curbing violations by commercial fishing vessels. A comprehensive review of the Act and its implementing regulations was currently under way, and the Code of Conduct for Responsible Fisheries would provide guidelines for the basic principles on which the review would be based.

11. In its reply dated 7 May 2001, **Panama** informed the Secretary-General that its Executive Decree No. 49 of 13 November 1997 contained a regulation on the issuance of international fishing licences for high seas fishing vessels. The regulation stipulated that the acquisition of the international fishing licence and payment of relevant dues were necessary prerequisites for registering a vessel with the Department of Consular and Shipping Affairs. However, such international fishing licences could not be granted unless extensive requirements listed in the Executive Order were complied with. These requirements included the provision of information on the following: particulars on and verification of the name of the fishing company; nationality and domicile of the vessel's owner; specifications of the vessel; targeted fisheries; geographical locations of fishing areas; gear and methods of fishing; ports of landing and areas of trans-shipment; installation of a vessel monitoring system; and submission of statistical data on catch and fishing activity of vessels for each fishing trip.

12. Violations of the provisions of the regulation were subject to penalties ranging from the imposition of fines to the removal of the vessel from Panamanian registry. Moreover, application for an international fishing licence would be rejected in the following cases: shrimp fishing in areas under the jurisdiction of third States, except in cold climates where there were no turtles, and where any evidence of the necessary authorization to fish from such States was not provided; cod fishing in the North Atlantic, with an exception being made for vessels which had obtained a licence to fish in the exclusive economic zone of a third country with a catch quota for cod; salmon fishing in the North Atlantic, with an exception being made for vessels which had obtained a licence to fish in the exclusive economic zone of a third State with a quota for salmon; vessels whose registration had been previously cancelled because of failure to comply with international fishing regulations; vessels seeking for the first time to fish for tuna in the Atlantic Ocean, until agreement was reached with the International Commission for the Conservation of Atlantic Tunas (ICCAT) or vessels which sought to fish for bluefin tuna; vessels which wanted to fish in the Mediterranean Sea or to fish below 35 degrees latitude south; and vessels which were on the lists of IUU fishing vessels provided by regional fishery bodies.

13. In its response of 10 May 2001, **Namibia** indicated that it had ratified the Fish Stocks Agreement on 8 April 1998. Moreover, it had expressed its support for the Agreement at various international fisheries forums and had urged other States which had not yet done so to ratify the Agreement, as well as to harmonize their national legislation with it in order to facilitate its smooth entry into force.

14. Over the past five years, Namibia had actively participated in the initiatives leading to the establishment of a Fisheries Management Organization for the South-East Atlantic Ocean, the Convention for which was signed on 20 April 2001. It had also deposited its instrument of acceptance of the Agreement to Promote Compliance with International Conservation and Management Measures on the High Seas (FAO Compliance Agreement) with the Director-General of FAO in 1998 and had ratified the ICCAT Convention and the Convention of the Commission for Conservation of Antarctic Marine Living Resources (CCAMLR) in 1998 and 2000 respectively.

15. Furthermore, as a consequence of its ratification of/accession to the above-mentioned international instruments, it had adopted in 2000 a new Marine Resources Act (No. 27), which complemented the

conservation and management measures envisaged in those international agreements. The Act includes provisions which ensure that Namibia will exercise effective control over the activities of fishing vessels flying its flag on the high seas, as well as those obliging fishing vessels flying the flag of Namibia to have a licence for fishing outside Namibian waters. The Act also allowed Namibia to enforce fishery management measures of fishery organizations to which it is a party.

16. In addition, Namibia had actively participated in the FAO Committee on Fisheries meeting in February 2001, which developed the International Plan of Action (IPOA) to address IUU fishing, and it supported efforts to coordinate all the work of FAO with other international organizations, including IMO. With particular reference to IUU fishing, Namibia stressed that it had already implemented measures aimed at combating IUU fishing: one such measure concerned a case where the Namibian authorities had refused permission to an IUU fishing vessel from Belize to offload in its ports fish caught in the CCAMLR Convention area.

17. In its submission of 26 June 2001, **Denmark** stated that it had signed the Fish Stocks Agreement on 27 June 1996. However, ratification of the Agreement by Denmark would be concluded in coordination with the other States members of the European Union.

18. Denmark also had taken measures to ensure that vessels flying its flag were allowed to conduct fishing operations in areas regulated by subregional or regional fisheries management organizations, under the precondition that they adhered to the conservation and management measures of these organizations. A breach of those provisions could subject the perpetrator to legal measures under international law and Danish legislation. Furthermore, as a flag State, Denmark had stipulated that Danish national fishing surveillance included areas on the high seas which were not covered by regional fisheries management operations, in order to control the fishing operations of fishing vessels flying its flag.

19. In addition, Denmark had actively cooperated on all levels in the exchange of information regarding illegal fishing, as part of its activities aimed at combating IUU fishing in coordination with flag States and FAO. Concerning assistance to developing States, Denmark indicated that it had provided support to the development of the fisheries sector in Viet Nam, including aid for the management of fish stocks.

20. In its response dated 26 June 2001, **Lebanon** stated that it did not fish on the high seas and had not given permission to any foreign vessels to fish under Lebanese flag in those areas.

21. In its submission of 5 July 2001, the **United Kingdom of Great Britain and Northern Ireland** indicated that it believed that the Agreement played an important role in the effective management of international fisheries. The United Kingdom would ratify the Fish Stocks Agreement simultaneously with the other European Union member States as soon as all member States had completed their internal processes. The United Kingdom had already ratified the Agreement in respect of a number of its Overseas Territories.

22. As regards to high seas fishing, the United Kingdom indicated that the European Community (EC) had regulatory competence for the metropolitan United Kingdom for matters relating to the determination of conservation and management measures therein by flag States. The Community also had the responsibility for introducing conservation and management measures to comply with measures adopted by regional fisheries management organizations. It was then up to the United Kingdom to ensure that the requirements were introduced into national legislation and that vessels flying the United Kingdom flag adhered to those rules.

23. The United Kingdom also was a member of relevant fisheries organizations in respect of its Overseas Territories, and it had ensured that those Territories complied with the measures adopted by those organizations by incorporating them into local legislation. The Overseas Territories, however, had individual responsibility to control the fishing operations of vessels flying their flag, and the conditions they required for high seas fishing licences included compliance with any obligations under United Nations Conventions to which the United Kingdom was a party.

24. In addition, the United Kingdom supported the efforts of the international community to make regional fisheries organizations the cornerstone of international cooperation in the sustainable management and conservation of marine resources within their areas of competence, as well as in the implementation of the 1995 Fish Stocks Agreement and the FAO Code of

Conduct for Responsible Fisheries. It had therefore endorsed the calls by the General Assembly to the United Nations system, the international financial institutions and the donor community in general, to review their programmes in order to help to improve the management capacity of those fisheries organizations, including in the area of marine science.

25. Furthermore, the United Kingdom had taken an active role in the FAO working group which had been set up to develop an IPOA on IUU fishing, in view of its concern about the growing prevalence of such practice and its adverse impact on the sustainable management of global fish stocks. It was currently considering in respect of its Overseas Territories how it could implement the FAO IPOA to help eliminate IUU fishing. The United Kingdom also believed that FAO should work closely with other United Nations agencies such as IMO and the International Labour Organization (ILO), to work towards more effective flag State and port State control.

26. With regard to assistance to developing States, the United Kingdom reported that it had participated, in partnership with FAO, in a programme of support to 25 countries of West Africa for the implementation of the Code of Conduct for Responsible Fisheries. It also gave support to the countries of the Southern African Development Community (SADC) for the development of regional information systems to underpin the management of fish stocks, including straddling stocks.

27. In its submission of 11 July 2001, **Saudi Arabia** indicated that it was currently conducting studies and research on straddling and highly migratory fish stocks in maritime areas subject to the jurisdiction of States members of the Gulf Cooperation Council. Once they were completed, Saudi Arabia would consider accession to the 1995 Fish Stocks Agreement.

28. Saudi Arabia's fishing vessels continued to observe conservation measures such as the 1996 banning of the use of drift-nets and were not allowed to use any internationally prohibited methods of fishing. Furthermore, although Saudi Arabia had no fishing vessels operating on the high seas, its vessels did fish in the waters of neighbouring countries under agreements with the Governments of those countries.

29. Saudi Arabia also had cooperated with FAO in all areas of fisheries conservation and management, including on measures to combat illegal fishing. It had paid great attention to the protection of the marine environment through the activities of governmental departments such as the Weather Forecast and Environmental Protection Administration, the Natural Life Protection and Enhancement Foundation and the Administration of Aquatic Life in the Ministry of Agriculture and Waters Resources. In addition, Saudi Arabia, as a developing country, had called upon States with advanced fishing techniques to provide assistance to developing States in the field of fisheries conservation and management.

30. In its response dated 11 July 2001, **Jordan** drew attention to the relevant provisions of its Agriculture Law relating to the conduct of commercial fishing within areas under its jurisdiction. The legislation, inter alia, regulated the licensing of commercial fisheries and the areas where fishing was prohibited. The use of nets and other fishing methods and allocation of catch size were also among the topics addressed in the legislation.[1]

31. In its submission of 17 July 2001, **Canada** indicated that it had ratified the Fish Stocks Agreement on 3 August 1999 and that the legislative and regulatory provisions necessary to implement the Agreement in Canada would enter into force upon the entry into force of the Agreement. Canada encouraged all States to ratify and fully implement the Agreement.

32. In addition, as a flag State, Canada had required, through the use of legislation, regulation, or conditions of licence, that Canadian flagged vessels comply with all conservation and management measures binding upon Canada. It had enforced compliance with those measures through regionally adopted enforcement schemes and domestic programmes.

33. Canada also had participated in the Experts Consultation on IUU fishing in Sydney, Australia (15-19 May 2000), the First Technical Consultation in Rome (2-6 October 2000) and the Second Technical Consultation in Rome (21-23 February 2001). It had also participated as a representative from IMO in the meeting of the joint FAO/IMO ad hoc Working Group on IUU fishing held in Rome (9-11 October 2000).

34. Concerning the integration of the requirements of the protection of the marine environment in the management of straddling fish stocks and highly migratory fish stocks, Canada stated that its Oceans Act required the Minister of Fisheries and Oceans to lead and facilitate the development and implementation of a national strategy for the management of estuarine,

coastal and marine ecosystems in waters that formed part of Canada or over which Canada had sovereign rights under international law. Such national strategy ought to be based upon integrated management, the precautionary approach and sustainable development. The protection of the marine environment and the proper management of fisheries were key elements of the strategy. Within regional fisheries management organizations, Canada encouraged the use of the precautionary approach and ecosystem approaches in accordance with the 1995 Fish Stocks Agreement.

35. With regard to its assistance to developing States, Canada reported that it had continued to provide assistance to multilateral and regional organizations, as well as to States in the field of fisheries conservation and management through the Canadian International Development Agency's Strategy for Ocean Management and Development.

36. In its submission of 20 July 2001, **Mexico** stated that although it had supported the elaboration of the 1995 Fish Stocks Agreement and had participated in the negotiations leading up to its adoption, the position of Mexico was that it could not become a party to the Agreement since some of its provisions might infringe upon the sovereign rights of flag States and also because the Agreement failed to address issues relating to the equity of fishing rights on the high seas. Nonetheless, Mexico was committed to the actions outlined and most of the principles set forth in the Agreement, which were being implemented at the international level in order to achieve the proper use of high seas fishery resources, as well as to the recommendations to that effect provided in the Code of Conduct for Responsible Fisheries.

37. Furthermore, as a party to the United Nations Convention on the Law of the Sea (UNCLOS), Mexico was committed to taking measures for the conservation and management of marine species and to collaborating at the regional and international levels in achieving the sustainable use of marine resources. In that connection, it pointed out that its Fisheries Act, among other things, included the following provisions: prohibition of reflagging; provision for issuing licences for vessels flying the flag of Mexico only; regulation of fishing activities on the high seas as part of the responsibility of the flag State; obligation for the flag State to maintain a record of fishing vessels authorized to fish on the high seas. The Act also provided that it was a violation of the Act for vessels flying the flag of Mexico to fish on the high seas or in areas under the jurisdiction of other States without authorization, or to fail to abide by the terms and conditions set forth in the authorization issued by foreign Governments to the Mexican Government concerning species catch. The Act provided for penalties that included warnings, seizures of catches and/or fines.

38. The Fisheries Act and its implementing regulations stipulated also that authorization to fish on the high seas or in an area under the jurisdiction of a foreign State required strict compliance with international regulations on navigation and on fishing, in particular those applied by foreign Governments in waters under their jurisdiction.

39. In addition, Mexico had participated in the FAO negotiations to devise a mechanism to combat IUU fishing, in a framework fully consistent with international law. It was of the view that the IPOA should be consistent with trade laws and rules regarding the application of trade-related measures and port State measures, in a context that clearly defined the jurisdiction of each State over vessels flying its flag and the appropriate actions that regional fisheries management organizations had to take, consistent with international law. In that connection, Mexico stressed that it had expressed concern over the improper use of trade-related measures by some countries on the pretext of promoting conservation and management measures. Such an approach was not the appropriate mechanism for conserving marine resources. Mexico also was currently studying the implementation of the IPOA at the national level and, where applicable, at the regional level. It had participated at the regional level, as a member of the Inter-American Tropical Tuna Commission (IATTC), in the adoption of measures to regulate fishing by non-party vessels, including the compilation of a list of vessels fishing illegally in the IATTC regulatory area, as implementing measures to combat IUU fishing.

40. Moreover, Mexico stressed that the chief objective of its national fisheries policy was to achieve environmentally sound fisheries, which would be sustainable over the long term and generate food, jobs and income. The following programmes had been carried out to achieve that objective: a research programme for the evaluation of fisheries, through the evaluation of the main resources and specially protected species, including the effects of ecosystem changes, fishing pressure, pollution, habitat alteration

or climate or environmental change on fish stocks and their ecosystems, and optimization of fish harvesting and marketing in order to reduce by-catch and discards; a research programme on commercial fishery harvesting methods to determine the impact of fishing gear on the resource and its habitat; and programmes to reduce by-catch of sea turtles and other non-target species in the shrimp fishing fleet through the use of turtle-excluder devices and fish-excluder devices respectively.

41. In conclusion, Mexico stated that it had discharged its obligation to cooperate under UNCLOS in the proper use of fishery resources by participating in the efforts of international fishery organizations to conserve fish stocks. At the regional level, it was a party to the 1998 Agreement on the International Dolphin Conservation Programme and had participated as an observer since 1983 in the meetings of the International Commission for the Conservation of Atlantic Tunas. Mexico currently had the status of "cooperating party" within that organization.

42. In its reply of 24 July 2001, **Ukraine** stated that, in accordance with Ukrainian legislative procedure, draft legislation had been prepared regarding the ratification of the 1995 Fish Stocks Agreement. The draft had been discussed in various ministries and would shortly be transmitted for discussion by the Verkhovna Rada (Parliament) of Ukraine.

43. Ukraine was a member of two regional fishery organizations, the Northwest Atlantic Fisheries Organization (NAFO) and the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), and consequently vessels flying the flag of Ukraine fishing in NAFO and CCAMLR regulatory areas were obliged to implement the management decisions of those organizations. In order to monitor vessels flying its flag, Ukraine required vessels fishing on the high seas to submit daily reports on vessel positions and basic catch figures. Moreover, all fishing vessels were listed in the State Register of Vessels or Shipping Book. Vessels fishing for Patagonian toothfish in the CCAMLR regulatory area and those fishing in the NAFO Convention area were also equipped with a satellite vessel monitoring system (VMS). Organizational arrangements were currently being made to introduce a VMS in all vessels fishing on the high seas.

44. Although it had not taken part in the elaboration of the IPOA on IUU fishing adopted by FAO in March 2001, Ukraine was making every effort to take the provisions of the IPOA into account in drafting a separate regulation that would set the procedure for vessels flying the flag of Ukraine engaged in fishing in areas beyond national jurisdiction, and was also currently implementing CCAMLR conservation measures to prevent IUU fishing. In addition, Ukraine was cooperating on the issue of IUU fishing with interested countries through the reciprocal exchange of information.

45. Concerning the issue of protection of the marine environment, Ukraine pointed out that vessels flying its flag were observing the special CCAMLR conservation measures for the prevention of marine pollution by debris, garbage and plastic packaging bands in the Convention area. It had also ratified the 1973 International Convention for the Prevention of Pollution from Ships and its 1978 Protocol (MARPOL 73/78). The Convention had been incorporated in the national legislation of Ukraine.

46. In its submission of 8 August 2001, the **United States of America** stated that it viewed the 1995 Fish Stocks Agreement as an effective tool for ensuring the conservation and management of straddling fish stocks and highly migratory fish stocks, and since it had ratified the Agreement in 1996, it had implemented it domestically through a variety of laws and regulations, primarily the Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996. The United States had also undertaken extensive diplomatic efforts to encourage other Governments to ratify or accede to the Agreement. Efforts had been made to encourage the application of key provisions of the Agreement in regional fisheries organizations and arrangements.

47. With respect to national implementation, the United States indicated that the provisions of existing laws and regulations required all overfished fisheries to be identified and then placed under plans, with a view to rebuilding the affected stocks within 10 years. The relevant law also established the authority to prohibit the use of any fishing gear not included in an approved list and to collect the data specified in Annex I of the Fish Stocks Agreement. Those provisions together with other initiatives to implement the precautionary approach were intended to maintain compatibility between domestic fisheries management and

management measures for relevant stocks beyond the exclusive economic zone of the United States, as efforts were being made to implement the provisions of the Agreement in the regional and subregional fisheries management organizations and arrangements to which the United States was a party or a participant. The United States also believed that its fisheries management system, using eight regional fishery management councils, was the most transparent of such systems in the world, providing for participation and input from all interested stakeholders.

48. In addition, the United States had implemented the FAO Compliance Agreement through its High Seas Fishing Compliance Act. The United States and Canada were the only two States that provided information to FAO on vessels flying their respective flags authorized to conduct fishing on the high seas, in accordance with the Compliance Agreement.

49. With respect to international implementation, the United States, as indicated previously, had continued to encourage relevant international fishery organizations and arrangements to apply key provisions of the United Nations Fish Stocks Agreement. To that end, it had led efforts in the adoption and implementation of high-priority provisions of the Agreement, such as the precautionary approach, transparency, fishing by non-members, compliance and enforcement, and rights of new members in various international fishery organizations and arrangements, such as ICCAT, NAFO, IATTC, the Convention for the Conservation of Pollock Resources of the Central Bering Sea (the Donut Hole Agreement), CCAMLR, and the North Atlantic Salmon Conservation Organization (NASCO).

50. The United States further indicated that it had worked towards ensuring that the provision of the Fish Stocks Agreement were taken into consideration in negotiations to establish two new fisheries bodies, the South-East Atlantic Fisheries Organization (SEAFO) and the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific.

# III. Information provided by international organizations

## A. Specialized agencies of the United Nations system

51. In its response to the Secretary-General dated 28 June 2001, **FAO** submitted the following report:

"...

"1. *Measures taken to implement and enforce the provisions of the 1995 Fish Stocks Agreement*

"FAO promotes the implementation of the 1995 Fish Stocks Agreement, the 1993 FAO Compliance Agreement and the 1995 FAO Code of Conduct for Responsible Fisheries as a package. To this end FAO urges all regional fisheries organizations to encourage their respective members to discuss these instruments at their sessions, to accept them if they have not already done so and to take steps to implement them fully. FAO recognizes that the implementation of these instruments is vital to long-term sustainability in the fisheries sector. The entry into force and application of these instruments should also greatly reduce the incidence of practices such as illegal, unreported and unregulated fishing.

"...

"1.1 *New organizations being established to implement the 1995 Fish Stocks Agreement*

"1.1.1 *Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean*

"The Western and Central Pacific Fisheries Convention was concluded in Honolulu, United States, on 5 September 2000 and opened for signature on the same day. Of the 25 States eligible to sign the Convention, 16 have so far done so. Taiwan Province of China has also signed under a special arrangement as a fishing entity. Three States, Fiji, the Marshall Islands and Samoa, had ratified the Convention as at 30 May 2001.

"The Convention will enter into force after it is ratified by three States situated north of 20° N and seven States situated south of 20° N. If

three northern States have not ratified the Convention within three years of its adoption, then it will enter into force after the thirteenth ratification.

"The Convention is a comprehensive fisheries management agreement covering exclusive economic zones and the high seas. It is based on the provisions of the 1995 Fish Stocks Agreement.

"When the Convention was concluded in September 2000, participants decided to establish a Preparatory Conference process to make the necessary arrangements for the entry into force of the Convention and for the commencement of the functions of the future Commission.

"The first meeting of the Preparatory Conference was hosted by New Zealand, as depository of the Convention, from 23 to 28 April 2001 in Christchurch, New Zealand. At the meeting, it was decided that the Preparatory Conference should meet approximately every six to nine months, that the second meeting would be held in Papua New Guinea in January or February 2002 and that the Conference should aim to conclude its work within three years.

"1.1.2 *South-East Atlantic Fishery Organization*

"A global increase in fishing activity in the waters that fall outside of individual countries' national waters (exclusive economic zones) known as the 'high seas' has increasingly worried many coastal States and also the international community at large. This concern is reflected in several conventions and policy documents that have been agreed under the auspices of FAO and regional fisheries organizations.

"In the light of this, Namibia together with neighbouring coastal States raised concerns related to the increased fishing activities on the high seas adjacent to their exclusive economic zone. Straddling and shared fish stocks occur between the exclusive economic zones of Namibia, neighbouring countries and the high seas and create an uncertainty in terms of sustainable fisheries management. Therefore, in 1997, an initiative was taken to find a way forward to enhance the conservation and management of the fisheries resources in the high seas in cooperation with other coastal States whose national waters border the South-East Atlantic. The coastal States are Angola, South Africa and the United Kingdom in respect of its overseas territory of St. Helena and its dependencies Tristan da Cunha and Ascension Island, and Namibia. Other parties with fishing interests in the South-East Atlantic were also invited to join the negotiating rounds. They were the European Community, Iceland, Japan, Norway, Poland, the Republic of Korea, the Russian Federation, Ukraine and the United States of America.

"Participants agreed to establish the South-East Atlantic Fisheries Organization for the management of fishery resources within the Convention area that is not covered by other regional organizations such as ICCAT.

"The Convention area runs approximately west of Angola, Namibia and South Africa as far as the mid-Atlantic ridge (beginning at the outer limit of waters under national jurisdiction at a point 6° South, thence due west along the 6° South parallel to the meridian 10° West, thence due north along the 10° West meridian to the equator, thence due west along the equator to the meridian 20° West, thence due south along the 20° West meridian to a parallel 50° South, thence due east along the 50° South parallel to the meridian 30° East, thence due north along the 30° East meridian to the coast of the African continent).

"The organization will implement the highest international standards related to responsible fisheries management, in particular those reflected in the 1982 United Nations Convention on the Law of the Sea, the 1995 Fish Stocks Agreement, the 1993 FAO Compliance Agreement and the 1995 FAO Code of Conduct for Responsible Fisheries.

"The Convention will enter into force 60 days after the date of deposit with the depository (the Director-General of the Food and Agriculture Organization of the United Nations) of the third instrument of ratification or accession or acceptance or approval, at least one of which has to be deposited by a coastal State. The SEAFO Convention will remain open for signature or

accession by other States after the signing ceremony. However, in the spirit of good faith, the negotiating parties have agreed to implement a set of interim arrangements immediately after the signing of the Convention, underlining the serious nature and urgency that has been associated with the establishment of good management practices within this area.

"The SEAFO headquarters will be in Windhoek. An interim secretariat has been established to coordinate and manage the interim measures, which will operate until the Convention enters fully into force and its Commission has been established.

"One of the main tasks of the interim secretariat is to implement various interim arrangements annexed to the Convention. Key areas to be addressed include the collection of catch data as well as the register of fishing vessels operating in the SEAFO area.

"The signing ceremony of the Convention on the Conservation and Management of Fishery Resources in the South-East Atlantic Ocean was held at Windhoek on 20 April 2001. The Convention is one of the first conventions signed following the 1995 Fish Stocks Agreement.

"...

"2. *Cooperation with IMO, regional fisheries management organizations and arrangements and other relevant international organizations, and in consultation with States and entities, to define the concept of a genuine link between the fishing vessel and the flag State whose flag is flying in order to assist in the implementation of the 1995 Fish Stocks Agreement*

"In February 2000, FAO attended the session of the International Maritime Organization Flag State Implementation (FSI) Subcommittee and made the suggestion that a Joint FAO/IMO ad hoc working group on IUU fishing and related matters should be established and that IUU fishing should be included in the FSI work programme. FSI requested FAO to prepare terms of reference (TORs) to be submitted to the Maritime Safety Committee (MSC) in May 2000 for approval. The TORs were agreed by MSC and a meeting of the Ad Hoc Working Group was held in Rome from 9 to 11 October 2000. In February 2001, the report of the Working Group was submitted to FSI in which the recommendations were grouped into those recommendations that would be considered flag State issues and those that were considered port State issues.

"FSI expressed the view that the recommendations, which had been raised under port State issues, were not legally under the mandate of the FSI Subcommittee because the Conventions which specifically referred to fishing vessels were not in force and because most of the other IMO Conventions specifically excluded fishing vessels. On the other hand, the flag State issues were held to be worthy of inclusion in the FSI work programme and the appropriate recommendation was made to MSC, which met in May 2001.

"FSI requested member States to submit appropriate documentation on the issue. At the same meeting, papers were presented on the registration of ships that indirectly referred to the 'genuine link', and those papers were referred to the next meeting of FSI. It is likely that both issues will be referred to a correspondence group on flag State implementation that will report back to the FSI Subcommittee in February 2002. At the FAO Committee on Fisheries, which met in Rome in early March 2001, the recommendations of the Joint FAO/IMO Ad Hoc Working Group were noted, and it was agreed that FAO should continue to cooperate with IMO as appropriate.

"It might be noted that in Panama and Honduras, the fisheries administrations are pressurizing the Shipping Registers to refuse to register and de-register fishing vessels that do not have authorizations to fish. Panama has around 180 vessels, of which only 89 have authorizations to fish. Honduras sent a representative to ICCAT last year to address the matter. According to a Honduran statement, out of a total of 269 fishing vessels in the Honduran fleet in October 2000, 228 licences had been cancelled and 41 had been temporarily suspended until Honduras adopted the necessary measures to ensure compliance with ICCAT conservation and management measures. Taking into account the declaration by Honduras, an import ban on bigeye tuna from Honduras will

take effect on 1 January 2002 (instead of July 2001 for other countries identified) unless ICCAT decides otherwise at its next meeting. Meanwhile, Honduras has become a member of ICCAT.

"It is not clear what Honduras means by 'cancelled' or 'temporarily suspended'. Bearing in mind that while there is a 'public law' aspect to vessel registration with regard to the allocation of nationality of a vessel, there is also the 'private law' aspect with regard to the registration of ownership. Normally the Registrar has to give notice in writing to the owner(s) and mortgagees as to the reason for deleting a vessel from the Register and inform them when the vessel will be deleted. The owner(s) and/or mortgagees have the right to appeal and this is not a minor matter as it involves the 'title deeds' or ownership of the vessel. In one of its recommendations the Joint FAO/IMO Ad Hoc Working Group:

"(v) Agreed that it would be generally inadvisable to de-register a vessel that had failed to comply with the authorization to fish as this practice would have the effect of exporting the problem.

"It was acknowledged that such vessels are not going to disappear, they are just going to re-emerge under another 'flag of convenience'.

"...

"3. *Efforts to develop an international plan of action to address IUU fishing and efforts to coordinate its work with other international organizations, including IMO*

"FAO was mandated by the Committee on Fisheries at its twenty-third session in 1999 to develop an international plan of action to combat illegal, unreported and unregulated fishing. To this end FAO has taken steps to fulfil this mandate by:

- Consulting with regional fishery management organizations to review the activities they have taken to address IUU fishing;
- Cooperating with the Government of Australia in convening an expert consultation to identify suitable measures to combat IUU fishing;
- Convening a technical consultation on IUU fishing.

These steps have been undertaken sequentially with each step providing input for the next stage.

"After consulting with regional fishery management organizations concerning the extent and gravity of IUU fishing in their respective areas, the Government of Australia, in cooperation with FAO, convened an expert consultation on IUU Fishing in Sydney in May 2000. The purpose of the meeting was to consider all pertinent technical and legal issues relating to IUU fishing and to elaborate a preliminary draft of an IPOA to combat IUU fishing. The report of the Sydney Expert Consultation, which had appended a preliminary draft IPOA and which was entitled 'International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing', was disseminated to FAO members and the international community. The report of the Sydney meeting was also submitted to the FAO Technical Consultation on IUU Fishing that was held in Rome from 3 to 6 October 2000.

"The Technical Consultation agreed to use the Sydney text as the document on which to base negotiations. The Consultation made good progress towards the elaboration of an IPOA to combat IUU fishing despite the complex nature of the issues. However, it was not possible to complete a second reading of the text. Consequently, a Second Technical Consultation on IUU Fishing was scheduled at FAO headquarters from 22 to 23 February 2001 with a view to finalizing the draft IPOA. This was done and the draft IPOA to combat IUU fishing was submitted to COFI at its twenty-fourth session in February 2001.

"COFI considered the draft IPOA. All members supported the adoption of the draft IPOA-IUU while recognizing the important need to address IUU fishing in a broad and comprehensive manner. It was noted that the IPOA had been concluded within the framework of the Code of Conduct for Responsible Fisheries. The Committee further recognized that concerted efforts on the part of all members would be required to implement the IPOA.

"COFI acknowledged the important role that FAO should play in promoting the implementation of the IPOA, particularly in the provision of technical assistance to developing countries. Some members pointed out that funds would be required to facilitate implementation of the IPOA and it was proposed that FAO should consider providing Regular Programme funds for the purpose and seek extrabudgetary funding, as appropriate.

"The FAO Council at its one hundredth and twentieth session endorsed the IPOA on 23 June 2001. FAO will work to disseminate the IPOA and to facilitate its implementation. All States, irrespective of their role in the fisheries sector (coastal State, flag State or port State), individually and through their participation in regional fisheries management organizations, should strive to implement the IPOA and to combat IUU fishing. FAO is planning to promote the implementation of the IPOA in a number of different ways, including global and regional meetings, the implementation of national plans as called for in the IPOA and technical assistance to developing countries.

"COFI will monitor the implementation of the IPOA in relation to the Committee's deliberations relating to the implementation of the Code of Conduct for Responsible Fisheries. Currently, FAO members are pursuing a self-assessment process, but expanded or additional assessments might be developed later as a means of enhanced reporting and monitoring.

"...

"5. *Efforts to integrate in an appropriate manner the requirements for the protection of the marine environment in the management of straddling fish stocks and highly migratory fish stocks*

"In collaboration with regional tuna fishery management organizations and the Secretariat of the Pacific Community (SPC), FAO organized an Expert Consultation on Implications of the Precautionary Approach for Tuna Biological and Technological Research. The meeting was held in Phuket, Thailand, from 7 to 15 March 2000. The Consultation was mounted in response to the adoption of the precautionary approach to fisheries management in the 1995 Fish Stocks Agreement and the 1995 FAO Code of Conduct for Responsible Fisheries.

"The Consultation originated from a recommendation of the ICCAT Tuna Symposium held in Punta Delgada, Sao Miguel, Azores, Portugal, in 1996. The Symposium recognized the existence of similar research problems with the implementation of the precautionary approach to tuna fisheries management on a global scale.

"The Consultation addressed the implications of the precautionary approach for stock assessment, biological and environmental research and data collection. They apply to principal market tunas and most important billfishes. The Consultation addressed the need for the identification, quantification and reduction of major sources of uncertainties in the knowledge on species being targeted by fisheries, by-catch and ecologically-related species and on their physical environment, particularly on the impact of fisheries on them. This quantification and reduction of uncertainties necessitates improvements to the existing methods and the development of new methods. Reductions in the uncertainties may allow the adoption and implementation of safer and more optimal fishing regimes, potentially benefiting the industry and the community at large.

"The consideration by the Consultation of the implications of the precautionary approach for environmental research is of importance for the protection of the marine environment in the management of highly migratory fish stocks, as such research provides a basis for this protection. In particular, research on by-catches of fisheries targeting tunas and billfishes, and ecosystems involving those species, were discussed and relevant recommendations were made. The Consultation prepared a detailed technical paper published as FAO Fisheries Circular 963, which documents such discussions and recommendations. The report of the Consultation is included as an appendix to the Circular.

"..."

52. In its submission of 27 June 2001, **IMO** reported that the Maritime Safety Committee at its seventy-fourth meeting (MSC 74, 30 May-8 June 2001) had

considered the report of the ninth session of the IMO Subcommittee on Flag State Implementation (FSI), including its report on the outcome of the Joint FAO/IMO Working Group on IUU Fishing and related matters. In that connection, MSC 74 had made, inter alia, the following remarks: First, although fisheries management was outside the competence of IMO, safety and environmental protection issues relating to IUU fishing were within the purview of IMO and consideration of such issues would be of assistance to FAO. Secondly, efforts should be made to encourage member States to ratify the 1993 Protocol to the Torremolinos International Convention for the Safety of Fishing Vessels (1977) and the 1995 International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F) in order to bring them into force, in view of the fact that there was no legal basis for extending to fishing vessels the port State control provisions existing in IMO's instruments. Thirdly, cooperation should be extended to FAO towards developing a port State control regime of its own through a sharing of IMO's experience and expertise in the matter. Finally, there was a need, in the context of the outcome of the seventh session of the United Nations Commission on Sustainable Development, to establish principles against which the transfer of ships might be considered, upon the recognition that such transfer was also a problem in relation to IUU fishing activities.

53. In addition, IMO indicated that MSC 74 had decided to consider further, through the FSI Subcommittee, matters relating to IUU fishing in order to give member States the opportunity to clearly point out any relevant problems they had identified and to make specific proposals on actions requested of IMO. The Organization noted also that the Marine Environment Protection Committee at its forty-sixth session (MEPC 46, 23-27 April 2001) had decided to continue to provide input to the FSI Subcommittee's discussion on IUU fishing from the perspective of marine environmental protection, taking into account the current requirements under MARPOL 73/78 and its consideration of issues relating to particularly sensitive sea areas. In conclusion, IMO stated that its assistance to FAO in dealing with IUU fishing would be from the perspective of both the safety and the prevention of marine pollution from the vessels involved in such activity.

## B. Regional and subregional fisheries organizations and arrangements[2]

54. In its reply of 7 March 2001, **The North Atlantic Salmon Conservation Organization (NASCO)** stated that while the Fish Stocks Agreement did not apply to salmon, it did contain provisions that could contribute to the international conservation and management of North Atlantic salmon. The Organization also welcomed the initiative by FAO to develop an IPOA to prevent, deter, and eliminate IUU fishing and was following the progress of the initiative.

55. In its response of 15 March 2001, the **International Council for the Exploration of the Sea (ICES)** reported that, as an intergovernmental organization responsible for coordinating research activities related to the sea and its living resources, principally in the North Atlantic and adjacent seas, it was responsible for giving advice to a number of regulatory commissions and to member countries in its field of competence. Thus, ICES provided advice on the management of straddling stocks to the North-East Atlantic Fisheries Commission (NEAFC). Such advice was published annually in the reports of the Advisory Committee on Fishery Management. ICES was not however involved in the implementation of regulatory measures.

56. In its submission of 24 April 2001, the **Indian Ocean Tuna Commission (IOTC)** stated that it had just concluded an inter-sessional meeting to elaborate an integrated control and inspection scheme. The meeting had identified the principles and objectives of the scheme and reached agreement on a number of elements that would need to be covered. The meeting, which was part of an ongoing process, had been conducted with direct reference to the 1995 Fish Stocks Agreement and the FAO IPOA on IUU fishing, and needed to be reconvened several more times before the scheme could be adopted by the Commission. In addition, the Commission had adopted a number of resolutions dealing with IUU fishing in which it invited non-Contracting Parties to join IOTC and called upon contracting and collaborating parties to adopt port State measures to combat IUU fishing.

57. IOTC also indicated that although it was aware of the need to address the issue of a genuine link between a fishing vessel and the flag State, no concrete action had yet been taken in this respect. The question would however have to be addressed in relation to the

allocation of resources, even where the flag States concerned were collaborating with IOTC in the provision of statistical data. Furthermore, although its own agreement did not currently provide the Commission with a mandate to address environmental concerns, IOTC had instructed its secretariat to collect statistical data on by-catch and discards, taking into account both physical and biological interactions linked to tuna fisheries. With regard to that topic, the only issue currently addressed by the Commission was the predation of longline-caught fish by cetaceans, on which it was conducting a study.

58. In its response of 16 May 2001, the **International Pacific Halibut Commission (IPHC)** stated that its mandate was research on, and management of, Pacific halibut throughout its range, which encompassed the majority of the maritime waters off the west coasts of Canada and the United States. Management of halibut, as a migratory and straddling stock, was jointly executed, through the Commission, by the two Governments. IPHC maintained an extensive data-gathering programme so that all removals were accounted for in stock assessment. The reduction of mortality of halibut in non-target fisheries was an ongoing programme of the Commission in conjunction with the Contracting Parties.

59. IPHC stressed that its harvest strategy was in conformity with the precautionary approach, since it had incorporated uncertainty in current and future stock status, target, and limit reference points. It noted that the near-shore distribution of the halibut resource and an effective monitoring/enforcement by the Contracting Parties had prevented IUU fishing. Moreover, the Commission had collaborated with agencies of the Contracting Parties in order to limit the effects of halibut fishery on the marine environment.

60. In its submission of 31 May 2001, **IATTC** stated that it had agreed in June 1998 to review its functions and to formulate, if necessary, possible amendments to its Convention. It also indicated that currently its members were negotiating a new Convention that would take into account, among other things, the relevant principles of international law related to the conservation and management of marine living resources, as reflected, inter alia, in the 1995 Fish Stocks Agreement. Although only one member of IATTC had ratified the Agreement, many of its key provisions had been incorporated into the draft negotiating text for the new IATTC Convention.

61. Although it had not been active in efforts to define the concept of a genuine link between the fishing vessel and the State whose flag it was flying, IATTC had been actively involved with other Governments and FAO in efforts to develop an IPOA to address IUU fishing. Moreover, the Commission had taken measures to combat IUU fishing in the eastern tropical Pacific Ocean, including the development of a Regional Register of vessels authorized to fish for species under its purview of and the setting up of a compliance committee that dealt with IUU fishing on a regular basis. It had also adopted in June 2000 a resolution regarding non-parties, which was intended to discourage IUU fishing.

62. In addition, in order to protect the marine environment, IATTC had formulated conservation and management measures for the two principal species currently managed by the Commission, i.e., yellowfin and bigeye tunas, which took into account the impact of these measures on all species of tuna in the same ecosystem. It had also adopted a resolution concerning by-catch that was designed to address ecosystem management by requiring specific measures to reduce the by-catch of species taken in the tuna purse seine fisheries.

63. In its reply of 4 June 2001, **NEAFC** reported that it had cooperated with ICES since 1999 under a Memorandum of Understanding that allowed the Commission to obtain the best scientific advice available for the full range of stocks over which it had competence, as the NEAFC Convention required it to seek information and advice from ICES.

64. In addition, the NEAFC Contracting Parties had agreed upon a Scheme of Control and Enforcement in respect of vessels fishing in areas beyond the limits of national fisheries jurisdiction in the Convention area and a scheme to promote compliance by non-Contracting Parties fishing in the regulatory area. Contracting Parties had further agreed that, as from 1 January 2000, satellite tracking of all vessels fishing outside areas of national jurisdiction in the North-East Atlantic Ocean would be required, and the secretariat would supply Contracting Parties with an inspection presence in the area with up-to-date information about ongoing fishing activities. The scheme also required vessels fishing in the regulatory area to keep a logbook

for recording catch, fishing effort and, as an option, the recording of discarded catch, and a production logbook to be used for fishing operations in international waters. Furthermore, the scheme mandated the Contracting Parties to notify the secretariat of their vessels authorized to fish in international waters. It also allowed the mutual inspection of Contracting Parties' fishing vessels.

65. NEAFC had not actively participated in attempts to define the concept of genuine link. However, surveillance was at such a level in the NEAFC regulatory area that most vessels fishing in the area were observed, including vessels from non-Contracting Parties, in order to combat IUU fishing. Moreover, the Commission had established relationships with cooperating non-Contracting Parties and had allocated to them in 2000 and 2001 cooperation quotas for some species. In other instances, it had had to draw the attention of flag States to their responsibilities with regard to the activities of vessels flying their flag in the NEAFC area. With respect to stateless vessels, the NEAFC scheme allowed a Contracting Party to board and inspect such vessels sighted engaging in fishing activities in the regulatory area, and where evidence so warranted, to take appropriate action against them in accordance with international law.

66. As to the integration of the requirements for the protection of the marine environment in the management of fisheries, NEAFC had not addressed those questions beyond the proper management of fisheries and their effect on fish abundance in the regulatory area, on the basis of ICES advice. However, it had informed Contracting Parties about the discussions at the Second Meeting of FAO and non-FAO Regional Fishery Bodies or Arrangements (Rome, 20-21 February 2001), which had called for a more integrated approach to the management of oceans and their resources.

67. In its submission of 5 June 2001, **CCAMLR** stated that, without prejudice to the question of whether the 1995 Fish Stocks Agreement was applicable to its Convention area, it had encouraged all Contracting Parties to examine the implications of the Agreement for themselves and for the Commission, and to consider becoming parties to it. CCAMLR had also encouraged its members to ratify and promote the FAO Compliance Agreement and the Code of Conduct for Responsible Fisheries.

68. Although the Commission had not been directly involved in activities relating to the definition of the concept of genuine link, its members had taken an active role in the development of the IPOA on IUU fishing, adopted by the COFI/FAO in March 2001. In addition, besides the introduction of a catch documentation scheme for toothfish, which was binding upon all Contracting Parties as from 7 May 2000, CCAMLR had adopted several measures to improve the enforcement of, and compliance with, its fisheries management regime. Such measures included the establishment of cooperative mechanisms between Contracting Parties to improve compliance with CCAMLR conservation measures, inspection by Contracting Parties of all their vessels licensed to fish in the Convention area, inspection of non-Contracting Party vessels in the ports of Contracting Parties, compulsory identification marking on vessels and fishing gear, further development of ties with non-Contracting Parties, and the introduction of a VMS in toothfish fisheries.

69. In an effort to integrate the requirements for the protection of the marine environment in its fisheries management, CCAMLR had adopted a resolution on the harvesting of stocks occurring both within and outside its Convention area (resolution 10/XII). The resolution reaffirmed the obligation of CCAMLR members to ensure that their flag vessels conducted harvesting of such stocks in areas adjacent to the Convention area responsibly and with due respect for the conservation measures provided for in the CCAMLR Convention.

70. In its submission of 5 June 2001, the **Forum Fisheries Agency (FFA)** stated that in order to implement the provisions of the 1995 Fish Stocks Agreement, FFA member countries and the fishing States in the region in September 2000 had adopted the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPT Convention). The Convention was a direct implementation of article 8 of the Agreement and was considered to be the third generation of international fisheries agreements. The object of the Convention was to ensure the long-term conservation and sustainable use of highly migratory fish stocks in the Western and Central Pacific Ocean in accordance with UNCLOS and the 1995 Fish Stocks Agreement. For these purposes, the Convention included reference to the precautionary approach, as

well as the obligation of the members of the Commission to apply the guidelines set out in Annex II of the Fish Stocks Agreement.

71. The WCPT Convention would generally apply to high seas areas, although a number of principles and measures for conservation would also apply within the exclusive economic zones of coastal States. In addition, it established a Commission, which had been granted the powers to determine the total allowable catch as well as the total fishing effort for the Convention area, including limits on tuna fishery in the region. It also established two subsidiary bodies, a Scientific Committee and a Technical and Compliance Committee, with distinct functions and roles to perform within the Commission.

72. The Convention would enter into force 30 days after the deposit of three instruments of ratification by States situated north of the 20-degree parallel of north latitude and seven States south of the 20-degree parallel of north latitude, with the Government of New Zealand as the depositary of the Convention. However, if by 5 September 2003 none of the northern States had ratified the Convention, it would then enter into force six months after the deposit of the thirteenth instrument of ratification. Currently, there were three ratifications, two of them by States south of the 20-degree parallel of north latitude.

73. In its submission of 12 June 2001, **ICCAT** reported that at its 12th Special Meeting in Marrakesh, Morocco, in November 2000, the Commission had, inter alia, urged all ICCAT Contracting Parties, that had not already done so to ratify the 1995 Fish Stocks Agreement and the 1993 FAO Compliance Agreement.

74. Concerning the issue of IUU fishing, ICCAT had taken numerous actions aimed at curbing the activities of vessels flying the flags of States which had no control over the activities of their vessels. To that end, it had adopted two plans of action aimed at reducing the fishing activities of vessels that undermined the effectiveness of the regulatory measures adopted by the Commission for bluefin tuna and swordfish respectively. In accordance with the action plans, flag States whose vessels did not comply with the regulatory measures were first identified. If no actions were taken to rectify such practices, the flag States would then be warned that non-discriminatory, trade-restrictive measures might be taken. If the warning was ignored, the Commission would recommend that Contracting Parties take non-discriminatory trade-restrictive measures against products derived from the species concerned from the infringing country. Such actions could also be taken against Contracting Parties whose vessels had fished in a manner inconsistent with the Commission's conservation and management measures.

75. With respect to the requirements for the protection of the marine environment as a component of fisheries management, ICCAT indicated that its Standing Committee on Research and Statistics had two subcommittees, on Environment and on By-Catch, which met annually to consider issues under their respective mandates.

76. In its reply of 27 June 2001, the **Permanent Commission for the South Pacific (CPPS)** indicated that it had already explained, in earlier submissions, why its member States had not acceded to the 1995 Fish Stocks Agreement. However, it wished to inform the Secretary-General that Chile, Colombia, Ecuador and Peru on 14 August 2000 had signed a Framework Agreement for the Conservation of Living Marine Resources in the High Seas of the South-East Pacific and that the Agreement had been submitted for adoption to the parliaments of those countries.

77. The Framework Agreement would be applied to straddling fish stocks and highly migratory fish stocks in the adjacent high seas areas in the South-East Pacific with a view to preventing the unregulated exploitation of those fishery resources, with due regard to the rights, interests and duties of coastal States as well as those of third States. In order to enhance the effectiveness of the Agreement, the Commission considered that the establishment of a genuine link between the fishing vessel and the flag State was a topic of special importance.

78. With regard to the issue of IUU fishing, CPPS stated that not only did such fishing practices seriously interfere with the assessment of fishing resources, but they also had an adverse impact on the management and development of fisheries. The Commission therefore attached great importance to addressing IUU fishing with a view to reducing and/or eliminating the practice.

79. Furthermore, the protection of the marine environment was a key issue in the region, particularly for the coastal marine areas. Accordingly, CPPS had already begun oceanographic explorations in the region

and was extending them into the high seas so that they would cover straddling fish stocks and highly migratory fish stocks.

80. In its response of 29 June 2001, **NAFO** stated that although its constituent bodies had not explicitly addressed the application of all the provisions of the 1995 Fish Stocks Agreement in the Convention area, some aspects of the Agreement, such as the question of transparency of activities and procedures allowing for the participation of non-governmental observers in NAFO meetings, the application of the precautionary approach to managed stocks and NAFO dispute settlement procedures, were being considered or were in the process of being addressed.

81. Concerning the issue of genuine link, NAFO pointed out that its conservation and enforcement measures contained a number of specific provisions related to the marking of fishing vessels and the documentation they were required to carry. NAFO Contracting Parties were also required to notify the Organization of all vessels greater than 50 GT engaged in fishing or processing fish in the regulatory area which were registered to a particular Contracting Party or were temporarily flying the flag of that Contracting Party (bareboat charter).

82. With respect to the issue of IUU fishing, NAFO had participated as an observer at the FAO consultations on IUU fishing in October 2000 and February 2001. Practical measures to tackle illegal activities in the regulatory area had been undertaken for a number of years within NAFO Conservation and Enforcement Measures, under which the Hail Reporting System Observer/Satellite Tracking System had recently been introduced to improve the control of fishing vessel activities and their catches. In addition, NAFO in 1997 had initiated the Scheme to Promote Compliance by Non-Contracting Party (NCP) Vessels with the Conservation and Enforcement Measures Established by NAFO. The scheme was amended in 1999 to include stateless vessels. In that connection, NAFO drew attention to the annual reports of its Standing Committee on Non-Contracting Parties, which in recent years had indicated a decline in NCP activity.

83. As to the integration of the protection of the marine environment in its fisheries management, NAFO in 1995 had established a Standing Committee on Fisheries Environment under its Scientific Council to undertake marine environmental studies in the Convention area. The Committee had made substantial progress in introducing environmental data into fish stock assessments.

84. In its submission of 17 July 2001, the **Commission for the Conservation of Southern Bluefin Tuna (CCSBT)**, stated that CCSBT members were conscious of the need to promote and facilitate international cooperation in order to ensure the sustainable development and use of highly migratory species such as southern bluefin tuna. It had therefore invited other States and fishing entities whose vessels were engaged in southern bluefin tuna fishing, or any other coastal State with an exclusive economic zone or fishery zone through which the species emigrated, to cooperate with the Commission's conservation and management measures or accede to the Convention.

85. CCSBT in June 2000 had established a Trade Information Scheme in order to combat IUU fishing. Under the scheme all imports of southern bluefin tuna into member States ought to be accompanied by a statistical document in the approved form and validated by the vessel's flag State. The implementation of the scheme had helped the Commission obtain important information on the sources of the southern bluefin tuna imported into CCSBT member States, and assisted it in developing further strategies for the effective conservation of the stock of southern bluefin tuna. The scheme was currently being refined.

86. In addition, CCSBT had adopted an action plan under which non-member States and fishing entities whose vessels had been catching southern bluefin tuna in a manner that diminished the effectiveness of the Commission's conservation and management measures would be identified and be subject to further action, including trade-restrictive measures, consistent with CCSBT members' obligations under international law. The Commission had the responsibility of the identification and notification of those countries, and their status would be reviewed in conformity with the action plan.

87. Concerning CCSBT efforts to integrate the requirements for the protection of the marine environment in the management of southern bluefin tuna, the Commission had taken action to protect the marine environment and, in particular, ecologically related species through, among other things, endorsement of guidelines for the design and use of

equipment to minimize the taking of seabirds in longlines and the development of a future work plan that would include consideration of the implementation of relevant international instruments, including the FAO IPOA on seabirds and sharks.

88. The **General Fisheries Commission for the Mediterranean (GFCM)** indicated that it had cooperated with ICCAT in controlling the level of stocks of large pelagic species in the Mediterranean Sea. Any conservative measures adopted by ICCAT concerning tuna and tuna-like species in the Mediterranean were reviewed by the Commission and generally adopted. A joint GFCM/ICCAT working group had been established to monitor stocks and recommend protection and management measures for both organizations.

89. In addition, GFCM noted that it had not taken any action on the definition of genuine link between a fishing vessel and its flag State. Nonetheless, GFCM, being a FAO regional fisheries management body, was bound by any arrangement that FAO might take with IMO and other international and regional bodies on the issue. Furthermore, the issue of IUU fishing in the Mediterranean Sea was a standing item in the agenda of GFCM, and a report on the state of such practice was presented by the secretariat at each session of the Commission.

90. Concerning the protection of the marine environment, GFCM in 1998 had established a Subcommittee on Marine Environment and Ecosystems. The latest recommendations of the Subcommittee included a programme of work to monitor the effects of environmental factors on the recruitment process in the case of shared stocks, the management and protection of species, as well as the enlargement of the FAO IPOA on sharks to cover cetaceans as well.

91. The **Secretariat of the Pacific Community (SPC)** reported that it had collaborated with FFA in maintaining the FFA Register of tuna fishing vessels operating in the region. Vessels which were not in good standing in the Register, irrespective of their flag, were not allowed to be licensed to fish anywhere in the FFA Convention area where it was necessary to obtain a licence. In that connection, SPC stressed that the countries of the region promoted the application of individual vessel owner responsibility in addition to flag State responsibility, and by applying conditional access to areas under national jurisdiction on the basis of conformity with international norms, they hoped to encourage compliance with those norms on the high seas areas within the region.

92. In addition, SPC indicated that while its role was to provide scientific support to national and regional tuna fishery management processes and management of reef fisheries in the Pacific Islands region, it had also assisted Pacific Island countries, through its Maritime Programme, in implementing domestic maritime legislation that incorporated international maritime standards. SPC had also urged member countries to take responsibility for vessels owned or operated by their nationals in areas under the national jurisdiction of other States.

93. As to the issue of IUU fishing, SPC pointed out that IUU fishing, as defined in the IPOA, did not present major difficulties for developing island member countries of SPC. For most of those countries, IUU fishing was currently interpreted as another synonym for "vessel owners trying to avoid standards relating to fishing on the high seas by taking the flag of a country with an open register". Defined that way, IUU fishing was not so great a problem in the region as trying to apply regional agreements on terms and conditions for fishing by vessels in areas under national jurisdiction. However, now that the problem had been recognized, those countries in the region that operated open registries and had previously been advised to operate "responsible open registries" would be requested to operate registries that did not allow vessel operators to evade fishing regulations, rather than to provide an alternative to the often high cost of registering under certain flags of origin.

94. With respect to the requirements for the protection of the marine environment in fisheries management, SPC was engaged in a number of initiatives on the subject, such as a public awareness-raising on the problems caused by marine debris, a proposal on measures to mitigate by-catch in small-scale domestic longline fisheries, assistance on the possible harmonization of regional measures concerning quantification and restriction of by-catch in access agreements for foreign tuna fleets, and modification of observer's training and logsheets to take by-catch more into account. Moreover, with the support of the Global Environment Facility and the European Commission, SPC was also engaged in research to elucidate the linkages between tropical tuna

fisheries and the broader supporting ecosystem, as well as on mechanisms for predicting areas and times of tuna abundance based on the state of the ecosystem and climatic cycles. In addition, it was developing its capacity to report on the status of certain species associated with highly migratory species and had just completed a quantification of turtle by-catch from tuna fisheries in Pacific Islands region, on the basis of the best available data.

95. The **International Baltic Sea Fishery Commission (IBSFC)** stated that it had amended its 1994 Fishery Rules to provide for better collaboration between Contracting Parties in order to combat IUU fishing. The changes included the possibility for Contracting Parties to exchange or transfer quotas among themselves or with third countries. However, Contracting Parties were under obligation to inform the Commission of such quota transfers or exchanges, including their specificities, the list of vessels authorized to fish cod in the Baltic Sea, monthly catch statistics from their own vessels (which had also to be communicated to other Contracting Parties) and monthly statistics on landings from other Contracting Parties. Moreover, the new regulations allowed a Contracting Party to refuse landings of cod that had been trans-shipped or species that had been caught by Contracting Parties beyond their national quota.

96. In addition, IBSFC indicated that it had agreed in 1999 on a Baltic Sea Control Strategy that provided for short-term and medium-term implementing measures. These included an improved inspection collaboration between neighbouring States, establishment of a register, the addition of a satellite tracking system to the current hail system, control of non-Contracting Parties, control of trans-shipments, the formulation of strategies for commercial species, establishment of an electronic network between Contracting Parties, computerization, including computerized data exchange, harmonization of logbooks, introduction of a uniform inspection form, and control of markets and structures. In the implementation of the short-term measures, a joint inspection programme was carried out during the period from 15 March to 15 April 2001 with the participation of inspectors from all Baltic Sea coastal States to examine, among other things, the effectiveness of the control and test a new uniform sea and port inspection scheme.

97. The **Western Central Atlantic Fishery Commission (WECAFC)** indicated that its member countries with small-scale fisheries in the region had initiated action to address the problems of IUU fishing through a vessel registration and licensing system that would be supported by a monitoring, control and surveillance system.

98. In addition, in view of the nature of the fisheries resources in the region (the majority of fish stocks being shared or straddling stocks) and its geographic and oceanographic characteristics, the Commission attempted to provide a coordinated approach to fisheries management in the region through regular meetings of the Commission, its Scientific Advisory Group and the WECAFC Ad Hoc Working Group on Shrimp and Groundfish on the Brazil-Guyana Shelf, the WECAFC Ad Hoc Working Group on Caribbean Spiny Lobster and the WECAFC Ad Hoc Working Group on Flying Fish.

## C. Other intergovernmental organizations

99. In its submission of 29 June 2001, the **European Community** stated that although the 1995 Fish Stocks Agreement had not yet been ratified by the EC, its general principles were applied both in the Common Fisheries Policy and in the regional and international commitments of the Community. Moreover, the domestic procedures of member States were scheduled for completion by the end of 2001, so that the Community and its member States would be able to deposit their instruments of ratification simultaneously.

100. EC member States, as flag States, were subject to the Community resource conservation and management regulations under Council regulation (EEC) 3760/92 of 20 December 1992. Council Regulation (EC) 2848/2000 of 15 December 2000 had fixed for 2001 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in Community waters, and for Community vessels, in waters where catch limits were required. In addition, technical and monitoring measures in various regional fisheries organizations of which EC was a member, such as IATTC, ICCAT, IOTC and NEAFC, had already been or would soon be incorporated into Community law. In this connection, it should be noted that the CCAMLR catch documentation scheme had been approved by the Council in May 2001.

101. With respect to general and domestic control measures, Council regulation (EC) 2847/93 had

established a control system applicable to the Common Fisheries Policy, including surveillance of all catches and landings by Community fishing vessels. EC was also responsible for ensuring that its vessels operating outside its waters complied with applicable Community conservation rules in force in those waters. In addition, EC had adopted Council regulation (EC) 2846/98, which was designed to coordinate monitoring and surveillance systems for greater transparency in control systems, to improve the ability to track catches and to develop surveillance of vessels flying the flag of third States which operated in Community waters or landed their catches in Community ports. In 1999, the regulation was strengthened by Council regulation (EC) 1477/99, which established a list of the types of behaviour that constituted serious violations of the rules contained in the Common Fisheries Policy.

102. Concerning IUU fishing, the Community and its member States had actively participated in the efforts of FAO to develop an IPOA to combat IUU fishing, as well as in the meetings of FAO-IMO Joint Group of Experts. The elimination of illegal fishing was a priority for EC, as it considered that flags of convenience were detrimental to the conservation and sustainable management of fish stocks and that they constituted unfair competition for fishing vessels legally recorded in the Community fleet register. As a follow-up to the adoption of the IPOA by FAO, EC was going to draft a Community plan of action which would initially propose making information contained in its fleet register available to FAO under article VI of the Compliance Agreement and allow EC participation in the planned international monitoring network.

103. With regard to assistance to developing States required under part VII of the 1995 Fish Stocks Agreement, the Community and its member States had provided technical assistance to developing countries through the European Development Fund. For example, under the African, Caribbean and Pacific (ACP) Countries-European Union partnership agreement signed at Cotonou in June 2000, the Community would provide support for agricultural production strategies, national and regional food security policies, water resource management and the development of fisheries and marine resources in the exclusive economic zones of the ACP States.

104. With particular reference to fisheries, EC cooperation with developing countries was carried out within the framework of the Code of Conduct for Responsible Fisheries, with a focus on well-defined initiatives and taking into account the FAO cost-effectiveness factor intended to facilitate implementation of the Code in developing countries. The Community expressed the view that the guiding principles of its development policy were fully consistent with those of the Code, in that they stressed the need to involve civil society in the preparation and implementation of sustainable strategies that would affect it. Furthermore, EC would provide funding to the FAO Fisheries Global Information System (FIGIS) and Marine Resources Service (FIRM) project, which would provide better information on and assessment of stocks through, inter alia, data compilation.

105. With regard to the protection of the marine environment, EC intended to implement article 6 of the Amsterdam Treaty, which stipulated that environmental protection requirements ought to be integrated into the definition and implementation of Community policies and activities, including the Common Fisheries Policy, in particular with a view to promoting sustainable development. In that connection, the Council reiterated its resolve to incorporate environmental elements into the Common Fisheries Policy by, inter alia, adopting guidelines that emphasized the need for targeted reductions on fishing pressure, technical measures, improvement of scientific research and progress towards an ecosystem-based fisheries management. Those guidelines would be implemented progressively as part of the reform of the Common Fisheries Policy. In addition, a plan of action for fisheries biodiversity would be discussed at the next meeting of the Council. It would call for measures aimed at the conservation and sustainable management of stocks, the protection of habitats and non-target species from fishing activities and the reduction of their impact on the various ecosystems.

## IV. Information provided by non-governmental organizations

106. In its response of 2 April 2001, the **International Ocean Institute (IOI)** indicated that the main obstacle to an effective implementation of the 1995 Fish Stocks Agreement would be IUU fishing, which was a complex and multifaceted issue involving quite a number of instruments and organizations, and that the most important obstacle to the effective suppression of IUU fishing was open registry.

107. IOI noted that open registry was a fact of life that would not go away. Together with "globalization", it had radically transformed the shipping industry. Thus, to seek to define today the "genuine link" seemed to be an academic exercise that could not really contribute to the elimination of IUU fishing. The Institute also pointed out that the prevalence of open registry and the demise of the "genuine link" meant, as a future trend, the end of "flag State control", and consequently, port State control and coastal control would necessarily fill the vacuum.

108. IOI was also of the view that the suppression of IUU fishing was an integral part of the suppression of crimes at sea in general, including piracy and armed robbery, as well as traffic in drugs, persons, noxious materials, etc. All these problems, which were currently addressed under different conventions, ought to be dealt with comprehensively, on a regional basis, through mechanisms to enhance regional cooperation among coastguards and navies, integrating sustainable development and regional security.

109. In its report of 25 June 2001, the **Humane Society of the United States** and its international arm the **Humane Society International (HSUS/HSI)** stated that they supported the moves towards encouraging States signatory to the 1995 Fish Stocks Agreement to ratify it in order to allow its entry into force and effective implementation as soon as practicable. In that connection, HSUS/HSI requested that developed States make adequate resources available to developing countries to facilitate full implementation of the Agreement by the latter, including through collaboration and cooperation in enforcement, monitoring and surveillance activities in regulated fisheries. However, they also urged the United Nations to ensure that the Agreement was interpreted or amended to allow it to be used for the establishment of regional fisheries management organizations to regulate fisheries wholly beyond national jurisdiction, since regulating fisheries in those areas had recently emerged as a significant management concern.

110. HSUS/HSI also expressed satisfaction at the adoption of the FAO IPOA to combat IUU fishing. It was pleased that the IPOA addressed not only the conservation of target fish stocks but also the conservation and management of related ecosystem elements, especially incidental mortality of seabirds associated with longline fishing, which was of considerable concern to HSUS/HSI. In addition, the Society encouraged the efforts of IMO, FAO and other relevant international organizations to address the problems associated with the failure to establish and enforce genuine link between ships and their flag States, creating the problem of the so-called "flag of convenience". The Society felt strongly that flag States ought to be committed to exercising their full jurisdiction in meeting all their responsibilities, not only their flag State responsibilities in combating IUU fishing. In particular, it was important for States to continue to develop their capacity to combat IUU fishing beyond the measures agreed on in the FAO IPOA, through the exercise of: (a) port State control, as a critical support for flag States attempting to exercise effective control over fishing vessels flying their flag; (b) market State responsibility, through restriction of the access of fish and fish products derived from IUU fishing to their markets, consistent with the relevant World Trade Organization rules; and (c) control over nationals through the introduction of domestic legislation that would ensure effective control over their fishing activities, including fish trading, whether conducted in areas under the jurisdiction of other States or on-board a vessel flying the flag of another State, or in areas beyond the jurisdiction of any State.

111. In addition, HSUS/HSI stressed the importance of encouraging cooperation between different international and regional organizations in order to integrate the requirements for the protection of the marine environment in the management of straddling fish stocks and highly migratory fish stocks. In that connection, the Society drew attention to: (a) the capacity of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) to complement fisheries management measures where trade in fish and fish products from IUU fishing was deemed to undermine the sustainable management of a fishery; (b) the capacity of the Bonn Convention on the Conservation of Migratory Species also to complement fisheries management; and (c) the measures taken by CCAMLR to manage toothfish as a straddling fish stock and the evolution of IUU fishing to combat rogue operators within the CCAMLR regulatory area. In that connection, particular reference was made to article II of CCAMLR, as an excellent policy framework for the ecologically sustainable management of fisheries, and to the CCAMLR catch documentation scheme to assist in monitoring the trade in toothfish.

## V. Concluding remarks

112. A review of various submissions by States, relevant United Nations agencies, regional fisheries organizations and arrangements and other intergovernmental organizations indicates that genuine efforts were being made to implement the 1995 Fish Stocks Agreement, in particular its key provisions, even before its entry into force. Another significant element is that such implementation involves not only States that had ratified/acceded to the Agreement but also some of those States that had expressed reservations over some aspects of the instrument.

113. In addition, as a result of the calls by the General Assembly and those of other international forums where fisheries issues had been discussed over the past six years, the Agreement is expected to enter into force in the very near future. Entry into force of the Agreement will necessarily create a new situation with a number of important implications for all States invited by the General Assembly for the first time in resolution 50/24 of 5 December 1995 to provide information to the Secretary-General on developments relating to the conservation and management of straddling fish stocks and highly migratory fish stocks.

114. While non-States parties will continue to submit information to the Secretary-General on a voluntary basis on developments relating to the conservation and management of straddling fish stocks and highly migratory fish stocks pursuant to resolution 50/24, States parties may wish to review the role of the current report of the Secretary-General, including an analysis of the most appropriate format and substantive aspects of the report that would assist States in discharging their obligations to ensure compliance with all the provisions of the Agreement. States may thus wish to decide whether the report of the Secretary-General, which at present merely informs on developments relating to the conservation and management of straddling fish stocks and highly migratory fish stocks, should evolve into one that monitors compliance with the Agreement. States may also wish to decide whether a meeting of the States parties to the Agreement would be necessary to consider all these issues.

115. However, it should be noted that the 1995 Fish Stocks Agreement does not provide for institutional mechanisms allowing States parties to address specific issues which may arise with respect to the implementation of the Agreement, nor does it give a mandate to the Secretary-General, as depositary, to convene meetings of States parties to monitor the application of and compliance with the Agreement.

116. It is significant to note that article 36 of the 1995 Fish Stocks Agreement does require the Secretary-General to convene a review conference four years after the date of entry into force of the Agreement, with a view to assessing the effectiveness of the Agreement in securing the conservation and management of straddling and highly migratory fish stocks. The Agreement, however, does not make provision for any preparatory steps, either administrative or substantive, that may need to be taken in the preparation of such conference. Accordingly, States may wish, as a first step, to request the Secretary-General, once the Agreement is in force, to convene meetings of States parties to address all the various issues of importance for States with rights and obligations under the Agreement, and to prepare for the review conference.

*Notes*

[1] Submission received through the Economic and Social Commission for Western Asia.

[2] Reports were sent either directly to the Secretary-General or conveyed to the Secretary-General through FAO.

# Annex

## Status of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (as at 14 September 2001)

**States and one entity that have signed the Agreement (59)**

Argentina, Australia, Austria, Bangladesh, Belgium, Belize, Brazil, Burkina Faso, Canada, China, Côte d'Ivoire, Denmark, Egypt, Fiji, Finland, France, Gabon, Germany, Greece, Guinea-Bissau, Iceland, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Luxembourg, Maldives, Marshall Islands, Mauritania, Micronesia (Federated States of), Morocco, Namibia, Netherlands, New Zealand, Niue, Norway, Pakistan, Papua New Guinea, Philippines, Portugal, Republic of Korea, Russian Federation, Saint Lucia, Samoa, Senegal, Seychelles, Spain, Sri Lanka, Sweden, Tonga, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu and European Union

**States that have ratified or acceded to the Agreement (29)**

Australia, Bahamas, Barbados, Brazil, Canada, Cook Islands, Costa Rica, Fiji, Iceland, Iran (Islamic Republic of), Maldives, Mauritius, Micronesia (Federated States of), Monaco, Namibia, Nauru, New Zealand, Norway, Papua New Guinea, Russian Federation, Saint Lucia, Samoa, Senegal, Seychelles, Solomon Islands, Sri Lanka, Tonga, United States of America and Uruguay

**States that have agreed to a provisional application of the Agreement (0)**